

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/004817

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-11 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-11 received by this Authority on 07.10.2004 with letter of 21.09.2004
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-11</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-11</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-11</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Cited documents			
D1: US-A-5639819			
D2: US-A-6094816			
D3: EP-A-0083907			
Novelty (PCT Article 33(2))			
<p>D1 (column 1, lines 40 - 54 and example I) discloses a copolyamide consisting of 95% hexamethylene adipamide units and 5% 2-methylpentamethylene adipamide units. The copolyamide is used to produce test specimens.</p>			
<p>D2 (table 1) discloses copolyamides consisting of hexamethylene diamine, 2-methylpentamethylene diamine and terephthalic acid. The copolyamides are used to produce heat exchangers.</p>			
<p>D3 (claim 1) discloses linear polyamides.</p>			
<p>None of documents D1 - D3 discloses a polyamide with cyclopentene units, as shown in the claims.</p>			

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>The subject matter of all of claims 1 - 11 is thus novel over the cited documents.</p> <p>Inventive step (PCT Article 33(3))</p> <p>Like the present application, D3 is concerned with the dyeing of polyamides (page 1, first paragraph and page 3, second paragraph). D3 can therefore be considered the closest prior art.</p> <p>The problem mentioned in the application is that of preparing polyamides with an increased dyeing speed. The examples (example 2 and comparative example 2) show that the problem is solved by the claimed polyamides.</p> <p>D3 neither discloses the claimed polyamide nor suggests that the polyamide results in better dyeing behaviour. This is also not shown in documents D1 and D2. Inventive step can therefore be acknowledged in relation to D3, when taken both alone and in combination with D1 or D2.</p>